

RECEIVED
CENTRAL FAX CENTER
JUL 14 2005

LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, DC 20001

Telephone
(202) 408-4000

Facsimile
(202) 408-4400

FACSIMILE TRANSMITTAL

TO:

Firm: Examiner Gary Jackson
Group Art Unit: 3731
Patent and Trademark Office

Phone Number: (571) 272-4697

Fax Number: 703-872-9306

Date: July 14, 2005

FROM:

Name: Elizabeth Burke

Phone Number: (202) 408-4488

Fax # Verified by: Mimi Radbill

Pages (inclusive): 12

Subject: U.S. Serial No. 09/870,813 filed June 1, 2001

Allowed: April 19, 2005

Issue Fee due: July 19, 2005

Message:

Examiner Jackson:

Attached is a Letter Requesting Acknowledgement of Information Disclosure Statement Filed Under 37 CFR §1.97(b) on April 12, 2004 (2 pages), copies of the Fifth Supplemental Information Disclosure Statement (2 pages), and the PTO Form 1449 (6 pages), and a copy of the stamped postcard showing receipt of the IDS on April 12, 2004.

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

RECEIVED
CENTRAL FAX CENTER

JUL 14 2005

PATENT

Customer Number 22,852

Attorney Docket No. 08386.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Dennis W. WAHR et al.)	Allowed: April 19, 2005
Serial No.: 09/870,813)	Group Art Unit: 3731
Filed: June 1, 2001)	Examiner: G. Jackson
For: CLOSURE DEVICES, RELATED)	Confirmation No.: 1270
DELIVERY METHODS AND TOOLS,)	
AND RELATED METHODS OF USE)	

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**LETTER REQUESTING ACKNOWLEDGMENT
OF INFORMATION DISCLOSURE STATEMENT
FILED UNDER 37 C.F.R. § 1.97(b)**

A Fifth Supplemental Information Disclosure Statement was filed in this application on April 12, 2004. In reviewing our files, we find that we have not received from your Office a signed copy of the Form PTO-1449 which would serve as acknowledgment of receipt of the Information Disclosure Statement and as an indication that the documents were considered by the Examiner.

A copy of the Information Disclosure Statement, the Information Disclosure Citation Form PTO-1449, and the postcard that was stamped by the U.S. Patent and Trademark Office to indicate receipt of the papers, is attached.

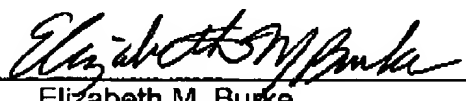
PATENT
Customer Number 22,852
Attorney Docket No. 08386.0004

The Examiner is respectfully requested either to send the undersigned a duplicate of the signed copy of the Form PTO-1449 or issue a Supplemental Notice of Allowability (PTOL-37) which both acknowledges receipt of the Information Disclosure Statement and the Information Disclosure Citation, and indicates that the documents were considered by the Examiner.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 14, 2005

By: 
Elizabeth M. Burke
Reg. No. 38,758

BCH/LIB/EMB

28
39

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Dennis W. WAHR et al.

Application No.: 09/870,813

Group Art Unit: 3738

Filed: June 1, 2001

Examiner: Unknown

For: CLOSURE DEVICES, RELATED DELIVERY METHODS AND TOOLS, AND
RELATED METHODS OF USE

1. Fifth Supplemental Information Disclosure Statement under 37 CFR §1.97(b) (2 pages)
2. PTO Form 1449 (6 pages) with copies of the 121 references cited therein

Dated: April 12, 2004

Docket No.: 08386.0004

(Due Date: n/a)

EMB:rd

PLEASE RETURN POSTCARD TO Roxi Dillon - MD 680



Dkt 04-13-04 Rm

RECEIVED
CENTRAL FAX CENTER

JUL 14 2005

PATENT
Customer No. 22,852
Attorney Docket No. 08386.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dennis W. WAHR et al.

Application No.: 09/870,813

Filed: June 1, 2001

For: CLOSURE DEVICES, RELATED
DELIVERY METHODS AND
TOOLS, AND RELATED
METHODS OF USE

) Group Art Unit: 3738

) Examiner: Unknown

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22318-1450

Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 12, 2004

By: Elizabeth M. Burke
Elizabeth M. Burke
Reg. No. 38,758

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011
April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

U.S. PATENT DOCUMENTS							
Examiner's Initials		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	1	6,682,546 B2	27 Jan 2004	Amplatz			
	2	6,650,923 B1	18 Nov 2003	Lesh et al.			
	3	6,641,557 B1	4 Nov 2003	Frazier et al.			
	4	6,623,508 B2	23 Sep 2003	Shaw et al.			
	5	6,551,344 B2	22 Apr 2003	Thill			
	6	6,540,712 B1	1 Apr 2003	Parodi et al.			
	7	6,537,299 B1	25 March 2003	Hogendijk et al.			
	8	6,527,746 B1	4 March 2003	Oslund et al.			
	9	6,506,204 B2	14 Jan 2003	Mazzocchi			
	10	6,447,531 B1	10 Sep 2002	Amplatz			
	11	6,440,152 B1	27 Aug 2002	Gainor et al.			
	12	6,402,772 B1	11 June 2002	Amplatz et al.			
	13	6,379,368 B1	30 Apr 2002	Corcoran et al.			
	14	6,368,339 B1	9 Apr 2002	Amplatz			
	15	6,334,864 B1	1 Jan 2002	Amplatz et al.			
	16	6,325,815 B1	4 Dec 2001	Kusleika et al.			
	17	6,241,678 B1	5 June 2001	Afremov et al.			
	18	6,214,029 B1	10 Apr 2001	Thill et al.			
	19	6,210,338 B1	3 Apr 2001	Afremov et al.			
	20	6,206,907 B1	27 March 2001	Marino et al.			
	21	6,174,322 B1	16 Jan 2001	Schneidt			
	22	6,171,329 B1	9 Jan 2001	Shaw et al.			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011
April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

U.S. PATENT DOCUMENTS							
Examiner's Initials		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	23	6,168,622 B1	2 Jan 2001	Mazzocchi			
	24	6,165,196	26 Dec 2000	Stack et al.			
	25	6,123,715	26 Sep 2000	Amplatz			
	26	6,080,182	27 Jun 2000	Shaw et al.			
	27	6,024,756	15 Feb 2000	Huebsch et al.			
	28	5,904,703	18 May 1999	Gilson			
	29	5,879,366	9 Mar 1999	Shaw et al.			
	30	5,846,261	8 Dec 1998	Kotula et al.			
	31	5,776,162	7 July 1998	Kleshinski			
	32	5,741,297	21 Apr 1998	Simon			
	33	5,733,294	31 Mar 1998	Forber et al.			
	34	5,725,552	10 Mar 1998	Kotula et al.			
	35	5,702,421	30 Dec 1997	Schneidt			
	36	5,669,933	23 Sep 1997	Simon et al.			
	37	5,645,558	8 July 1997	Horton			
	38	5,634,936	3 June 1997	Linden et al.			
	39	5,597,378	28 Jan 1997	Jervis			
	40	5,527,338	18 June 1996	Purdy			
	41	5,522,822	4 June 1996	Phelps et al.			
	42	5,488,193	23 Jan 1996	Bourne et al.			
	43	5,466,242	14 Nov 1995	Mori			
	44	5,456,693	10 Oct 1995	Conston et al.			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011
April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

U.S. PATENT DOCUMENTS							
Examiner's Initials		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	45	5,433,727	18 July 1985	Sideris			
	46	5,334,217	2 Aug 1994	Das			
	47	5,284,488	8 Feb 1994	Sideris			
	48	5,284,486	8 Feb 1994	Kotula et al.			
	49	5,254,133	19 Oct 1993	Seid			
	50	5,246,445	21 Sep 1993	Yachia et al.			
	51	5,192,301	9 Mar 1993	Kamiya et al.			
	52	5,190,536	2 Mar 1993	Wood et al.			
	53	5,171,259	15 Dec 1992	Inoue			
	54	5,171,233	15 Dec 1992	Amplatz et al.			
	55	5,108,420	28 Apr 1992	Marks			
	56	5,067,957	26 Nov 1991	Jervis			
	57	5,067,489	26 Nov 1991	Lind			
	58	5,064,435	12 Nov 1991	Porter			
	59	5,052,386	1 Oct 1991	Fischer, Jr.			
	60	4,921,484	1 May 1990	Hillstead			
	61	4,917,089	17 Apr 1990	Sideris			
	62	4,836,204	6 June 1989	Landymore et al.			
	63	4,826,487	2 May 1989	Winter			
	64	4,748,982	7 June 1988	Horzewski et al.			
	65	4,710,192	1 Dec 1987	Liotta et al.			
	66	4,685,906	19 May 1987	Jervis			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011
April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

U.S. PATENT DOCUMENTS							
Examiner's Initials		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	67	4,629,451	16 Dec 1986	Winters et al.			
	68	4,619,246	28 Oct 1986	Molgaard-Nielsen et al.			
	69	4,503,569	12 Mar 1985	Dotter			
	70	4,041,931	16 Aug 1977	Elliott et al.			
	71	D466,936 S	10 Dec 2002	Shaw et al.			

U.S. PATENT APPLICATION PUBLICATIONS							
Examiner's Initials		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	72	2003/0225421 A1	4 Dec 2003	Peavey et al.			
	73	2003/0212432 A1	13 Nov 2003	Khairkhahan et al.			
	74	2003/0204203 A1	30 Oct 2003	Khairkhahan et al.			
	75	2003/0199923 A1	23 Oct 2003	Khairkhahan et al.			
	76	2003/0195555 A1	16 Oct 2003	Khairkhahan et al.			
	77	2003/0195530 A1	16 Oct 2003	Thill			
	78	2003/0191495 A1	9 Oct 2003	Ryan et al.			
	79	2003/0144694 A1	31 July 2003	Chanduszko et al.			
	80	2003/0045901 A1	8 March 2003	Opolski			
	81	2003/0028213 A1	8 Feb 2003	Thill et al.			
	82	2002/0198563 A1	26 Dec 2002	Gainor et al.			
	83	2002/0198561 A1	26 Dec 2002	Amplatz			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011
April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

U.S. PATENT APPLICATION PUBLICATIONS

	84	2002/0169475 A1	14 Nov 2002	Gainor et al.			
	85	2002/0169474 A1	14 Nov 2002	Kusleika et al.			
	86	2002/0161395 A1	31 Oct 2002	Douk et al.			
	87	2002/0138095 A1	26 Sep 2002	Mazzocchi et al.			
	88	2002/0123760 A1	5 Sep 2002	Amplatz			
	89	2002/0123759 A1	5 Sep 2002	Amplatz			
	90	2002/0068950 A1	6 June 2002	Corcoran et al.			
	91	2002/0042625 A1	11 Apr 2002	Stack et al.			
	92	2002/0029061 A1	7 March 2002	Amplatz et al.			
	93	2001/0037129 A1	1 Nov 2001	Thill			
	94	2001/0034537 A1	25 Oct 2001	Shaw et al.			
	95	2001/0000797 A1	3 May 2001	Mazzocchi			

FOREIGN PATENT DOCUMENTS

Examiner's Initials		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	96	WO 03/103476 A2	18 Dec 2003	PCT			
	97	WO 03/082076 A2	9 Oct 2003	PCT			
	98	WO 03/059152 A2	24 July 2003	PCT			
	99	WO 03/053493 A3	3 July 2003	PCT			
	100	WO 03/009880 A2	6 Feb 2003	PCT			
	101	WO 01/91844 A1	6 Dec 2001	PCT			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

April 12, 2004

Atty. Docket No.	08386.0004	Appln. No.	09/870,813
Applicant	Dennis W. WAHR et al.		
Filing Date	June 1, 2001	Group:	3738

FOREIGN PATENT DOCUMENTS							
Examiner's Initials		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	102	WO 01/87163 A1	22 Nov 2001	PCT			
	103	WO 01/72367 A1	4 Oct 2001	PCT			
	104	WO 01/17435 A1	15 Mar 2001	PCT			
	105	WO 00/56245	28 Sep 2000	PCT			
	106	WO 00/12012	9 Mar 2000	PCT			
	107	WO 00/10452	2 Mar 2000	PCT			
	108	WO 99/39646	12 Aug 1999	PCT			
	109	WO 99/17816	15 Apr 1999	PCT			
	110	WO 99/07289	18 Feb 1999	PCT			
	111	WO 98/27894	2 July 1998	PCT			
	112	WO 98/27868	2 July 1998	PCT			
	113	WO 98/09671	12 Mar 1998	PCT			
	114	WO 97/42878	20 Nov 1997	PCT			
	115	WO 96/01599	25 Jan 1996	PCT			
	116	WO 95/28695	12 Oct 1995	PCT			
	117	WO 91/05088	18 Apr 1991	PCT			Abstract
	118	EP 1281355 A2	5 Feb 2003	EP			
	119	EP 1175867 A2	30 Jan 2002	EP			
	120	EP 0807444 A2	19 Nov 1997	EP			
	121	CA 2,057,018	3 Oct 1991	Canada			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce